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Fighting for Employee Justice



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December 9, 2024

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square, Room 1106
New York, NY 10007

Re: Competello v. Doobiez, LLC
1:24-cv-7861 (LGS)
Letter Requesting Adjournment Sine Die

Dear Judge Schofield:

We represent Plaintiff Susan Competello in the above-referenced Americans with Disabilities Act (“ADA”) matter. We write now pursuant to Your Honor’s Order dated December 5, 2024 (Doc. 6), to respectfully offer Plaintiff’s position regarding the instant matter, in light of the initial pretrial conference currently scheduled for December 11, 2024, at 4:20 p.m.

Relevantly, the Complaint in the instant matter was filed on October 16, 2024, and the Summons was issued the following day, on October 17, 2024 (Dkt. Nos. 1, 4). The undersigned had been under the belief that the Summons and Complaint were sent out for service as is our regular practice. This impression was supported by an email received from Mr. Tom Helou, Managing Partner of Doobiez, LLC, who claimed to have received a copy of the Complaint and Exhibits. According to Mr. Helou, “We are very compassionate to all of our customers’ individual needs, and the fact that we had begun the process of making our website more accommodating lives up to that commitment. We’re acting in good faith to properly resolve any issues with our website.” Additionally, Mr. Helou mentioned that he had been contacted by an individual who claimed to be an attorney who regularly defends businesses from these types of lawsuits. This individual had solicited Mr. Helou to retain his services, which he rejected, opting instead to negotiate with Plaintiff’s counsel, offering \$500 to settle the case which we rejected.

Unfortunately, we discovered in mid-November 2024 that many of our files in the ADA Division had been deleted and altered following the departure of our Chief Counsel, Mr. Nathaniel Peckhart, and our senior paralegal, Adaciris Montesino, in the same week. Their departure has caused significant disruptions to this firm's practice, as both individuals failed to leave notes or passwords to their files. This situation necessitated a complete overhaul of our files and databases for the entire division, including this case.

Upon discovering that our departed staff had failed to serve the Defendant through our process server, we immediately undertook the task of rectifying this oversight. We have since engaged Meridian Investigations to serve the Defendant, and we are currently awaiting the Affidavit of Service, which we expect to receive by this Friday.

In light of these circumstances, we respectfully request that this Honorable Court adjourn the initial pretrial conference scheduled for December 11, 2024, for a period of 30 days. This extension will allow Plaintiff to complete service and provide the Defendant with an opportunity to effectively respond to the Complaint.


We sincerely apologize for any inconvenience this may have caused and appreciate the Court's understanding and consideration in this matter.

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & NORINSBERG, LLC

Sincerely,



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